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C O N F I D E N T I A L SECTION 01 OF 03 PORT LOUIS 000169

SIPDIS

AF/E FOR MARIA BEYZEROV
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PRETORIA FOR LEGATT

E.O. 12958: DECL: 06/06/2009
TAGS: PHUM MARR PREL MASS MOPPS KCRM SE
SUBJECT: SEYCHELLES PRISON SYSTEM: BAD ENOUGH WITHOUT
ADDING PIRATES

REF: A. PORT LOUIS 38
¶B. PORT LOUIS 137
¶C. PORT LOUIS 143
¶D. PORT LOUIS 146
¶E. PORT LOUIS 144

Classified By: Charge d'Affaires Virginia Blaser for reasons 1.4 (b and d).

¶1. (C) SUMMARY: Incidents of piracy have threatened the economic livelihood of the Seychelles, yet the small and troubled island nation lacks the infrastructure to house a potential influx of pirates, and is barely capable of detaining the alleged pirates in custody now. A recent preliminary report by the independent, newly-formed Seychelles National Human Rights Commission (NHRC) adds a new dimension to the negative picture of the Seychelles' prison system and its violations of human rights. END SUMMARY.

¶2. (C) This message continues a series on Seychelles' responses to piracy (reftels). Piracy incidents in Seychelles' Exclusive Economic Zone have threatened tourism and fisheries, the twin pillars of its prosperity (ref B). However, the Seychelles' fragile democracy, debt-wracked economy, and uncertain legal system make trials and detention of pirates there problematic at best (ref C and previous). In this message, the status of Seychelles' overcrowded and troubled prison system throws additional light on the question of a Seychellois response to piracy.

Prison Update

¶3. (U) The Montagne Posee Prison (MPP), now the only prison facility on Seychelles, can hold a maximum of 400 inmates. It was built to replace the Long Island prison, and received its first inmates in September 2006. Until the completion of the women's wing in February 2009, part of the male prison was sectioned off to accommodate the female prisoners. According to a recent report by an independent commission, as of March 11 the MPP's population stood at 317, consisting of 194 convicted men, 12 convicted women, 106 men on remand, three women on remand, one "civil imprisonment" and one sentenced at "the President's pleasure." According to press reports, the alleged pirates in custody are separated, based

on how they were captured, in three groups at three different police detention centers away from the MPP. According to AG Govinden, this separation from Seychellois is for their own safety.

Options For Detaining Pirates

¶4. (SBU) In May 5 and 6 meetings (see reftels) with contacts such as the President and his Principal Secretary, the Attorney General, the Director of the Financial Intelligence Unit (FIU), and the Leader of the Opposition, Charge D'Affaires was told by all counterparts that Seychelles lacks the capacity to detain any new influx of pirates and barely has the capacity to detain the suspect pirates in custody now. In a May 5 meeting with CDA Blaser, Principal Secretary (PS) Jean Paul Adam, Office of the President, was the first to raise the issue of the courts' immense backlog and how new piracy cases would force them to create new options due to their lack of capacity. The backlog issue was similarly raised by the Attorney General and the Opposition Leader in subsequent meetings with CDA.

¶5. (C) Attorney General (AG) Ronny Govinden offered the following three options: renovating and reopening the closed High Security Prison and other detention facilities, releasing remand prisoners charged with lesser crimes to accommodate incoming pirates, or, "building an outer island prison a la Guantanamo." Govinden's options represent the full spectrum of options raised by Post contacts in separate

meetings. For example, in separate May 5 meetings with CDA, FIU Director Declan Barber and Opposition Leader Wavel Ramkalawan also mentioned that since Seychelles does not currently have sufficient prison space it would have to begin releasing remand prisoners if an influx of pirates were to be detained.

¶6. (C) As for the first option of renovating and reopening old facilities, Post contacts were not shy about needing assistance from development partners in almost every phase of renovation given the current economic status of Seychelles. "If we are expected to cooperate, it comes with a price tag because we do not have money," AG Govinden stressed. That said, however, the overcrowding of MPP and lack of separation between remandees and prisoners was an issue before the piracy problem. The local press reported that the Department of Internal Affairs plans to begin building separate buildings at MPP to house juvenile and remand prisoners within a year. Meanwhile, the opposition party weekly "Regar" reported in late April that renovations have been underway at the former Grand Police High Security prison for some time, although authorities deny that it will be used again to house prisoners.

¶7. (C) Post contacts shared negative views on the option of releasing remand prisoners charged with lesser crimes in order to increase capacity to detain pirates, suggesting it should be employed only as a last resort. There is a palpable public fear in Seychelles over a recent rash of prison escapes, and Seychellois in general do not want the accused released (ref A). As for the creation of an outer island prison, AG Govinden suggested to CDA that this is actually an option being considered by a newly-formed high commission on piracy, but did recognize that it would be a costly option in tough economic times.

The Human Rights Factor

¶8. (C) Post has previously noted the poor conditions and reported human rights violations at the MPP (ref A). After recent violent incidents occurred in the prison on March 6,

11, and 15, the GOS commissioned an independent human rights investigation team from the NHRC to inspect the prisons. On March 23, the NHRC presented a draft report to opposition leader Wavel Ramkalawan and President James Michel that echoed Post reporting on human rights violations and subpar prison conditions. Ramkalawan gave a copy of this draft report to EMBOFFS in a May 6 meeting. While the report is purposefully structured to capture what occurred in the aforementioned violent incidents, it acknowledges that the underlying issues contributing to prison unrest will need in-depth study and long-term solutions. The general overview section captures the story of MPP in a sentence: "It was supposed to be a modern prison but from the beginning of its operation it fell well short of expectation."

¶9. (C) The NHRC report concluded in no uncertain terms that "the human rights of the inmates were violated and their safety and security were seriously compromised by the action of the prison authorities," based on recounts of prisoner beatings, use of attack dogs, and observations of inhumane prison conditions strikingly similar to those reported earlier by Post. NHRC similarly noted a breakdown in prison authority, due to the MPP superintendent's lack of prison management experience, that may have led to the violence. (NOTE: Prison Superintendent Gelage Hoareau, a former army officer, was eventually sacked in May 2009. END NOTE.) In addition to the disciplinary problems and excessive use of force, the NHRC noted that the prison regularly ran out of basic necessities, which added tension to an already volatile atmosphere and may have sparked the March 11 violent incident.

¶10. (C) The NHRC report gives 13 recommendations going forward, and all seemed to underscore the lack of prison

capacity and ways to confront this reality. Standout recommendations include:

--other institutions should collaborate in order to reduce the number of remand prisoners in MPP. (NOTE: 34 percent of the prison population are remand prisoners. The backlog of the judiciary system is regularly blamed for prison overcrowding and prolonged remand prisoner detention. END NOTE.)

--remand prisoners should be kept separate from convicted ones and juveniles kept separate from adults. (NOTE: On May 27, The Seychelles Nation reported that this recommendation has already been implemented. END NOTE.)

--basic necessities such as soap, water, and appropriate utensils should be made available for inmates at all times. (NOTE: Prisoners signed a petition dated February 8 reporting water shortages and lack of basic commodities being very common. END NOTE.)

-- humane sanitation facilities should be put in place.

-- additional staff should be recruited and appropriately trained, and authority should be clearly demarcated among the various law enforcement entities present within the prison premises so as to not undermine the Prison Superintendent's authority.

COMMENT

¶11. (C) Thus far, the GOS has kept the promise of the President and others that Seychelles would protect the human rights of the accused pirates in custody. The GOS has protected them from public vitriol, properly fed them, and seeks to provide them with due process and a fair trial. Given Seychelles' lack of prison capacity and the NHRC conclusion on recent prison human rights violations, the

promise may be difficult to keep going forward, and would likely be strained to the breaking point by the addition of even moderate numbers of piracy suspects or convicts.
BLASER